

What is criminal justice reform?

Criminal justice reform represents a fundamental change in how defendants and their cases are processed in the New Jersey courts. On Jan. 1, 2017, the state moved from a system that relied principally on setting monetary bail as a condition of release to a risk-based system that is more objective, promotes public safety and is fairer to defendants because it is unrelated to their ability to pay monetary bail.



The criminal justice system is rooted in two principles: That those accused of a crime are innocent until proven guilty and that they have a constitutional right to a speedy trial.

The transformation of New Jersey's criminal justice system was a joint effort of the all three branches of government that grew from the work of the Joint Committee on Criminal Justice, a special committee of the Supreme Court established by Chief Justice Stuart Rabner to examine the issues of bail and speedy trial reform.

New Jersey Judiciary



**Chief Justice
Stuart Rabner**

"The existing bail system is not fair to poor defendants who, because they cannot post bail, are cut off from families and may lose their jobs. In terms of the charges against them, studies have shown that they face tougher plea offers and pressure to plead guilty because of the amount of time they have already spent in jail, and they receive longer sentences as compared to similarly situated defendants who were able to make bail."



STUART RABNER
CHIEF JUSTICE

GLENN A. GRANT, J.A.D.
ACTING ADMINISTRATIVE DIRECTOR OF THE COURTS

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New Jersey Judiciary



Information for Defendants: What to Expect

For more information about criminal justice reform in New Jersey, go to www.njcourts.gov and search for "criminal justice reform."

What happens after I am arrested?

You will be charged on a summons or a warrant. If you are charged on a summons, you will be released from custody with a date on which you must appear in court.

If you are charged on a warrant, you will be taken to the county jail to wait for your first court appearance. You will appear in court within 48 hours of your commitment to the jail. At that time, you will either be released subject to conditions set by the court or held without bail because the state is seeking to detain you without bail until trial.

In that event, a detention hearing will be scheduled for you three to five days later at which the judge will decide whether to grant the state's motion seeking to hold you in jail until trial without bail.

Criminal justice reform is designed to move from a system of monetary bail to one based on the risk that you will not appear in court or will commit a crime while on pretrial release. Its goal is to make certain that people accused of crimes do not remain in jail simply because they cannot afford bail.



If the prosecutor makes a motion to detain you until trial, the judge will consider a risk assessment tool based on your prior record and any other information bearing on the risk that you will not appear or commit an offense while on pretrial release. The judge could determine that you should be held without bail. In the event that the judge believes that you should be released, a pretrial services program has been created to make certain that you comply with the conditions of release. The judge can still set a monetary bail but cannot do so for the purpose of keeping you in jail.

What will I have to do if I am placed on pretrial release?

If the court finds that you present a minimal risk and can be safely released on your own recognizance (ROR), you will not have to do anything further. Otherwise, a pretrial services officer will monitor you if you are released with conditions. Monitoring could include a phone call or text to remind you to show up in court, a requirement that you report to your officer on a weekly or monthly basis, or ensuring that you comply with more restrictive conditions such as electronic monitoring and home detention.

As the risk level increases, the nature of the monitoring will be more restrictive. Your pretrial services officer will ensure that you are notified of future court appearances, will alert the court of any violations of release conditions, and will also initiate the release revocation process.



When will my case go to trial?

If your case is in the Superior Court and you are held in jail, there are three important deadlines that will apply to your case.

- ✓ An indictment must be returned or unsealed within 90 days.
- ✓ A trial must start within 180 days after indictment.
- ✓ There is an overall limit of 2 years from detention to trial.

Certain events during your case could extend these deadlines, known as excludable time, and will extend the amount of time the state has to bring your case to indictment or trial. One example would be the time it takes the judge to decide pretrial motions.

If you are released, these deadlines will not apply to your case and it will proceed according to time goals established by the courts.